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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 JOHN ROBERT DEMOS, JR.,

10 Case No. C12-866 MJP

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA, et
14 al.,

15 Defendants.

16 ORDER DENYING REQUEST FOR
17 CERTIFICATE OF APPEALABILITY

18 This matter comes before the Court on Plaintiff's request for certificate of
19 appealability. (Dkt. Nos. 9.) Having reviewed the request and remaining docket, the Court
20 DENIES the request.

21 Under 28 U.S.C. § 2253(c)(1)(a), a petitioner may not appeal a final order in a habeas
22 proceeding "in which the detention complained of arises out of process issued by a State court"
23 unless a judge issues a certificate of appealability. The statute also provides that, in order to
24 be entitled to a certificate, a petitioner must make a "substantial showing of the denial of a
25 constitutional right." 28 U.S.C. § 2253(c)(2). To make such a showing, Petitioner must
26 demonstrate "reasonable jurists could debate whether (or, for that matter, agree that) the
27 petition should have been resolved in a different manner of that the issues presented were
28 adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322,

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31 APPEALABILITY
32 PAGE - 1

1 336 (2003) (quoting Slack v. McDaniel, 529 U.S. 473, 484 (2000)) (internal quotations
2 omitted) (further noting that this showing does not require a showing that the appeal will
3 necessarily succeed).

4 Mr. Demos has not presented any claim that rises to the level that would merit a
5 certificate of appealability. As Magistrate Judge Tsuchida discussed and this Court agreed,
6 Petitioner presents an “absurd complaint . . . that he is the deposed King of England” seeking
7 the United States to restore his crown. (Dkt. No. 5 at 2.) Petitioner’s request for a certificate
8 of appealability does not make a “substantial showing of the denial of a constitutional right.”
9 28 U.S.C. § 2253(c)(2).

10 It is ORDERED that Petitioner’s request for a Certificate of Appealability is
11 DENIED. The Clerk is directed to transmit a copy of this Order to all counsel of record and
12 mail a copy to Petitioner.

13 DATED this 7th day of August, 2012.
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16 Marsha J. Pechman
17 United States District Judge
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